

JFCW

1 P
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 (Under 37 CFR 1.97(b) or 1.97(c))

JUN 24 2004

Docket No.
110/03668

In Re Application No.: **Mordechay BEYAR et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/628,499	July 28, 2003	Unknown		3738	5064

Title: **SPACER FILLER**

Address to:
Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

37 CFR 1.97(b)

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).

U.S. PATENT & TRADEMARK OFFICE
TRANSMISSION OF INFORMATION DISCLOSURE STATEMENT
JUN 24 2004 (Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
110/03668

Re Application: Mordechay BEYAR et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/628,499	July 28, 2003	Unknown		3738	5064

SPACER FILLER

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

A check in the amount of _____ is attached.
 The Director is hereby authorized to charge and credit Deposit Account No. 03-3419
as described below.
 Charge the amount of _____
 Credit any overpayment.
 Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.



Signature

Maier FENSTER, Reg. No. 41,016

Dated: June 14, 2004

William H. Dippert, Esq.

Reed Smith LLP

599 Lexington Avenue, 29th Floor

New York, NY 10022-7650

Tel: (212) 521-5400

CC:



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop:
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
Date



Geraldine Gress

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Mordechay Beyar, et al.

Serial No: 10/628,499

Filing Date: July 28, 2003

For: SPACER FILLER

Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Information Disclosure Statement (3 pages) w/IDS Citation (3 pages); International Search Report for PCT/IL02/00077, PCT/IL 00/00055; PCT/IL00/00471 & nineteen cited references ; (4) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



10/03668

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Mordechay BEYAR et al.

Serial No : 10/628,499

Group Art Unit: 3738

Filed : July 28, 2003

Examiner: Unknown

For : SPACER FILLER

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present application is a continuation-in-part under 35 U.S.C. §111(a) of PCT Application No. PCT/IL02/00077, filed on January 28, 2002.

The Examiner is respectfully requested to review and consider art, in accordance with MPEP §2001.06 and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that items 15, 24, 36, and 59 were cited on the PCT International Search Report of the parent PCT Application No. PCT/IL02/00077. A copy of the International Search Report and item 59 are attached.

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in one of the parent files. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

Applicants further wish to point out that items 52-56 are in a foreign language. Copies of the English language abstract are attached to their respective references.

Additionally, items 1-47 are not attached, as the USPTO waived the requirement under 37 C.F.R. §1.98(a)(2)(i) for submitting copies of U.S. patents and U.S. patent application publications in all U.S. applications filed after June 30, 2003. See OG Notice published on August 5, 2003.

Since item 58, WO Publication No. 86/32899, is in a foreign language, applicants provide a copy of a corresponding AU Patent No. 724544. Both items are listed on the attached Equivalent to PTO-1449 form with a connecting arrow between them.

Moreover, item 51 is in a foreign language, applicants attach a copy of the English-language International Search Report citing it. This report was issued in a related PCT Application No. PCT/IL00/00055.

Items 48-50 are also in a foreign language, and applicants attach a copy of the English-language International Search Report citing it. This report was issued in a related PCT Application No. PCT/IL00/00471.

Enclosed is an English-language abstract of JP Publication No. 08-322848 (item 63), a copy of which is also attached. The translation was downloaded from the Japanese Patent Office site.

In accordance with MPEP §609 it is requested that each document cited (including any mentioned in Applicants' specification which is not repeated on the attached PTO-1449 form or equivalent thereof) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

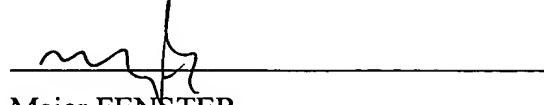
The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a),

110/03668

and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Mordechay BEYAR et al.



Maier FENSTER,
Registration No. 41,016

June 14, 2004

William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel.: (212) 521-5400

INFORMATION DISCLOSURE CITATION <i>O I P E</i> <i>Use several sheets if necessary</i> <i>JUN 24 2004</i> <i>PCSC 3</i> <i>Patent & Trademark Office</i>	ATTY DOCKET NO. 110/03668	SERIAL NO. 10/628,499
	APPLICANT(S) Mordechay BEYAR et al.	
	FILING July 28, 2003	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	1	3,108,593	29 Oct '63	GLASSMAN, J. A.			
	2	3,846,846	12 Nov '74	FISCHER, A.			
	3	3,867,728	25 Feb '75	STUBSTAD, J. A. et al.			
	4	4,274,163	23 Jun '81	MALCOM, L. L. et al.			
	5	4,346,708	31 Aug '82	LEVEEN, H. H. et al.			
	6	4,475,856	9 Oct '84	TOOMINGAS, I.			
	7	4,632,101	30 Dec '86	FREEDLAND, Y.			
	8	4,775,287	20 Sep '88	RAY, C. D. et al.			
	9	4,904,260	27 Feb '90	RAY, C. D. et al.			
	10	4,935,029	19 Jun '90	MATSUTANI, K. et al.			
	11	4,973,301	27 Nov '90	NISSENKORN, I.			
	12	5,012,066	30 Apr '91	MATSUTANI, K. et al.			
	13	5,059,193	22 Oct '91	KUSLICH, S. D.			
	14	5,059,199	22 Oct '91	OKADA, T. et al.			
	15	5,102,413	7 Apr '92	PODDAR, S. B.			
	16	5,108,404	28 Apr '92	SCHOLTEN, A. et al.			
	17	5,123,926	23 Jun '92	PISHARODI, M.			
	18	5,171,248	15 Dec '92	ELLIS, J. G.			
	19	5,171,278	15 Dec '92	PISHARODI, M.			
	20	5,356,382	18 Oct '94	PICHA, G. J. et al.			
	21	5,376,123	27 Dec '94	KLAUS, K. et al.			
	22	5,454,365	3 Oct '95	BONUTTI, P. M.			
	23	5,518,498	21 May '96	LINDENBERG, J. et al.			
	24	5,571,189	5 Nov '96	KUSLICH, S. D.			
	25	5,578,035	26 Nov '96	LIN, C.			
	26	5,601,557	11 Feb '97	HAYHURST, J. O.			
	27	5,609,637	11 Mar '97	BIEDERMANN, L. et al.			
	28	5,658,310	19 Aug '97	BERGER, J. L.			

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Equivalent to Form PTO-1449

Patent and Trademark Office*U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE CITATION <i>O I P</i> <i>(Use several sheets if necessary)</i> <i>JUN 24 2004</i> <i>PTAB & TRADEMARK OFFICE</i>	ATTY DOCKET NO. 110/03668		SERIAL NO. 10/628,499
	APPLICANT(S) Mordechay BEYAR et al.		
	FILING July 28, 2003	GROUP 3738	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	29 5,683,451	4 Nov '97	LENKER, J. A. et al.			
	30 5,693,100	2 Dec '97	PISHARODI, M.			
	31 5,697,977	16 Dec '97	PISHARODI, M.			
	32 5,725,341	10 Mar '98	HOFMEISTER, O.			
	33 5,759,186	2 Jun '98	BACHMANN, M. et al.			
	34 5,782,838	21 Jul '98	BEYAR, M. et al.			
	35 5,800,549	1 Sep '98	BAO, Q. et al.			
	36 5,827,289	27 Oct '98	REILEY, M. A. et al.			
	37 5,876,457	2 Mar '99	PICHA, G. J.			
	38 6,019,789	1 Feb '00	DINH, L. A. et al.			
	39 6,126,689	3 Oct '00	BRETT, D. C.			
	40 6,149,651	21 Nov '00	DREWRY, T. et al.			
	41 6,217,608	17 Apr '01	PENN, I. M. et al.			
	42 6,245,101	12 Jun '01	DRASLER, W. J. et al.			
	43 6,248,110	19 Jun '01	REILEY, M. A. et al.			
	44 6,261,289	17 Jul '01	LEVY, M.			
	45 6,350,271	26 Feb '02	KURZ, D. R. et al.			
	46 6,375,682	23 Apr '02	FLEISCHMANN, L. et al.			
	47 6,554,833	29 Apr '03	LEVY, M. M. et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
	48 DE 1 810 799	4 Jun '70	GERMANY				
	49 DE 86 16 073	11 Feb '88	GERMANY				
	50 DE 196 21 276	2 Oct '97	GERMANY				
	51 DE 299 04 852	27 May '99	GERMANY				
	52 EP 0 044 877	3 Feb '82	EUROPE			✓	
	53 FR 1 491 758	27 Nov '67	FRANCE			✓	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <div style="text-align: center;">  JUN 24 2004 <small>SEARCHED & INDEXED - 34</small> </div>	ATTY DOCKET NO. 110/03668	SERIAL NO. 10/628,499
	APPLICANT(S) Mordechay BEYAR et al.	
	FILING July 28, 2003	GROUP 3738

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
	54	FR 2 674 119	25 Sep '92	FRANCE			✓	
	55	FR 2 712 486	24 May '95	FRANCE			✓	
	56	FR 2 722 679	26 Jan '96	FRANCE			✓	
	57	WO 92/14423	3 Sep '92	PCT				
→	58	WO 96/32899	24 Oct '96	PCT				
	59	WO 98/38918	11 Sep '98	PCT				
	60	WO 99/39661	12 Aug '99	PCT				
	61	WO 99/52446	21 Oct '99	PCT				
→	62	AU 724 544	7 Nov '96	AUSTRALIA				

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	63	Database WPI; Section PQ, Week 199708; Derwent Publications Ltd., London, GB; Class P31, AN 1997-081321; XP002154628; & JP 08 322848; NARUSHIMA, M.; December 10, 1996; English-Language Abstract
	64	STEEN, W. M.; "Laser Surface Treatment;" 1998; Laser Material Processing; Chapter 6; Pages 218-271; Springer; Second Edition
	65	OONISHI, H. et al.; "Application of the Memory Alloy Titanium-Nickel (TiNi) as Implant Material;" 1984; Adv. Biomater; 5 (Biomates Biomech. 1983); 149-54; Abstract only
	66	WEISSMAN, S. L. et al.; "Trochanteric Fractures of the Femur;" 1969; Clinical Orthopaedics; No. 67; Pages 143-150; XP000964714

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.